

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM WELCH,

Plaintiff,

v.

Case No. 07-CV-12334

WILLIS CHAPMAN,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Pending before the court is the February 7, 2008 report and recommendation ("R&R") of United States Magistrate Judge R. Steven Whalen, which recommends granting Defendant Willis Chapman's motion for summary judgment of this civil rights action filed *pro se* by Plaintiff William Welch, a Michigan prisoner. Plaintiff has filed no objections pursuant to 28 U.S.C. § 636(b)(1) and E.D. Mich LR 72.1(d)(2). The court will adopt the recommendation of the magistrate judge and grant Defendant's motion for summary judgment.

I. STANDARD

The filing of timely objections requires the court to "make a *de novo* determination of those portions of the report or specified findings or recommendations to which objection is made." 28 U.S.C. §636(b)(1). See *United States v. Raddatz*, 447 U.S. 667 (1980); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). This *de novo* review requires this court to examine the relevant pleadings and such evidence as may have been submitted in support of the motions to determine the outcome of the motions.

Failure to file objections and failure to file *specific* objections each constitute a waiver of any further right of appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505 (6th Cir. 1991). Filing of objections that raise only some issues in the report and recommendation, but fail to raise others with specificity, will not preserve all the objections a party might have. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370 (6th Cir. 1987); *Willis v. Secretary of HHS*, 931 F.2d 390 (6th Cir. 1991).

The court adopts the magistrate judge's standard for deciding a motion for summary judgment, which was correctly stated. (R&R at 4.)

II. DISCUSSION

Plaintiff filed no objections and has therefore waived the right to *de novo* review by this court and further right of appeal. *Walters*, 638 F.2d at 949-50; *Arn*, 474 U.S. at 155; *Howard*, 932 F.2d 508-09. The court has nonetheless read the report and recommendation, and finds that it is correct.

Specifically, the court has reviewed the summary of facts underlying the magistrate judge's report, and finds them supported by the record. The Magistrate Judge identified certain disputed facts and, as the standard of review required, resolved them in favor of Plaintiff. The court further has reviewed the conclusions of law recommended by the Report, and finds them each to be correct. The Magistrate Judge relied upon an accurate statement of the law of qualified immunity. There is no question of material fact that Plaintiff has failed to allege any violation of a clearly established constitutional right. The R&R contains thoughtful discussion about whether there is a constitutional right against being forced to work as an informant. (R&R at 6-8.) The

Magistrate Judge correctly concluded that such a right was not clearly established at the relevant time. (*Id.* at 8.) Further, the court finds no error in the proposed rejection of Plaintiff's other constitutional claims. (*Id.* at 8-9.)

III. CONCLUSION

For the reasons discussed above, IT IS ORDERED that the magistrate judge's report and recommendation [Dkt. # 15] is ADOPTED IN FULL and incorporated by reference.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment [Dkt. # 9] is GRANTED. A separate judgment will issue.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 27, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 27, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522